

### Remarks

Reexamination and reconsideration of the subject application, as amended, are respectfully requested.

Claims 1-37 and 46-64, as presented in the amendment of August 6, 1992, stand rejected under 35 U.S.C. 103 as being obvious over the disclosure in PCT Application No. 90/02540. That rejection as it applies to the claims as amended is respectfully traversed.

Independent claims 1, 29 and 46 have been amended to clarify that the respective layers of the claimed multi-layer film do not vary in thickness across the film's length and width, while still providing a laminate which will preferentially elongate in specific preferential activation regions or zones when stretched. This is contrary to the requirements of the film taught in PCT Application No. 90/02590.

PCT Application No. 90/02540 discloses a diaper fastening tape backing. The tape backing is a laminate with an elastic center layer 1 and inelastic outer layers 2 or 2' and 3 or 3'. In Fig. 1, the elastic center layer 1 and the two outer inelastic layers 2 and 3 are coextensive and have relatively constant thicknesses across the entire laminate structure. However, this film when stretched will elongate over the entire laminate. For the Fig. 1 embodiment, there will be no preferential elongation as claimed by applicants.

The Fig. 1a embodiment of 90/02540 describes a tri-layer laminate which will preferentially elongate when stretched. However, this preferential elongation is obtained by providing a region where the thickness of the elastic layer 1' is increased, while the inelastic layer (2' and 3') thicknesses are proportionally decreased. This changing of the

relative thicknesses 1', 2' and 3' enhances the ability of this region to preferentially elongate as described in the paragraph bridging pages 11 and 12.

Therefore, PCT Application No. 90/02540 does not teach or disclose a multi-layer laminate which simultaneously has applicants' claimed features of:

1. A laminate formed of layers that are substantially coextensive and of constant thickness throughout the laminate (such as shown in Fig. 1 of PCT Application No. 90/02540), and
2. A laminate which will preferentially elongate in predetermined regions or zones in a manner (such as described for the Fig. 1a embodiment in PCT Application No. 90/02540).

These two features are treated as mutually exclusive in 90/02540 with one feature sacrificed to obtain the other.

The invention laminate with its layers having substantially uniform thicknesses across the laminate length and width is advantageous in terms of ease of manufacture and minimization of adverse properties such as edge effects like curl, modulus change, fraying and the like (see page 26, lines 3-15). The laminate can be created on conventional multi-layer, film dies and manifolds without substantial modification.

The dependent claims, from independent claims 1, 29 and 46, recite specific preferred embodiments for obtaining the preferential and non-preferential activation zones or regions in the claimed multi-layer laminate (having layers which are substantially coextensive and having relatively constant thickness dimensions across the laminate). PCT Application No. 90/02540 neither teaches nor suggests any of these specific embodiments, failing even to suggest the possibility of obtaining

preferential elongation in a film such as displayed in 90/02540 Fig. 1. The features of the dependent claims certainly are not mere matters of choice, as 90/02540 does not even teach that any choice exists on providing a laminate which will preferentially elongate in specific regions or zones formed of constant thickness film layers as claimed.

Further and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

  
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